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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/737,341 | 12/15/2000 | James C. Colson | 157-956 | 9182 |
| 35236 | 7590 | 11/18/2005 | EXAMINER | |
| THE CULBERTSON GROUP, P.C. 1114 LOST CREEK BLVD. SUITE 420 AUSTIN, TX 78746 | | | NGUYEN, CAM LINH T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2161 | |

DATE MAILED: 11/18/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/737,341

Filing Date: December 15, 2000

Appellant(s): COLSON ET AL.

Russell D. Culbertson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/22/2005 appealing from the Office action mailed 5/26/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|---------|--------|
| 6,212,529 | BOOTHBY | 4-2001 |
| 6,295,541 | BODNAR | 9-2001 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 43 – 44, 49 – 50, and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Boothby et al (U.S. 6,212,529).

◆ As per claim 43, 49, 55,

Boothby discloses a synchronization system that allows the user to create filters to be used in the synchronization process (col. 5, lines 14 – 20). The filters are previously created and stored in the database (See col. 7, lines 14 – 17, Boothby). Boothby teaches that:

- “Receiving a synchronization request” see Fig. 5, col. 7, lines 6 – 10, Boothby. “A sync session request” corresponds to the request that the Network computer send to the server to execute the synchronization process in Boothby.
- Applicant defined the “prioritization schema” as a predefined scheme. The “filters” in Boothby also a predefined scheme and is stored in database (See col. 7, lines 14 – 17, Fig. 6, element 42). The “filters” includes the conditional or rule that applied for each record (see Fig. 8 - 9, col. 6, lines 20 – 24, col. 10, lines 65 – col. 11, lines 20, Boothby). Therefore, the “prioritization schema” corresponds to the filters in Boothby.
- “Retrieving schema effecting data necessary in effecting the selected prioritization schema” See claim 1, col. 23, lines 20 – 37, col.11, and lines 24 – 30, Boothby.
- “Producing a prioritized data set based on the selected prioritization schema” See Fig. 12 – 13, col. 15, lines 32 – 67, col. 16, lines 28 – col. 17, lines 58, Boothby.

◆ As per claims 44, 50, Boothby discloses:

- “Completing the synchronization request by applying the prioritized data set to data on the client device” See Fig. 6 – 8, col. 7, lines 10 – 12, Boothby.

2. Claims 45 – 48, 51 – 54, 56 - 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boothby et al (U.S. 6,212,529) in view of Bodnar et al (U.S. 6,295,541).

◆ As per claims 45, 51, 56,

Boothby, however, does not clearly disclose the determination of synchronization session parameters where the parameters including at least a client device designator and a user identifier. Then selecting a priority scheme based on these parameters.

Bodnar, on the other hand, discloses a method for synchronization between pluralities of data set (see Fig. 2 of Bodnar). Bodnar teaches that the system will check all client accessors such as type module (Fig. 11A, 1002, col. 42, lines 31 – 41, col. 38, lines 60 – 67, Bodnar). A mapping table is used in synchronization processing to store client ID and corresponding records (col. 40, lines 13 – 44). Bodnar also allows user to specify settings such as mapping, choosing records (see col. 7, lines 39 – 50, and col. 17, lines 29 – 34, 63 – 65). Based on these settings, the system will determine the processes actions to be performed (col. 42, lines 41 – 47, Bodnar). Clearly, Bodnar discloses the teaching of using client device and user ID in the synchronization system.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Bodnar into the invention of Boothby because the combination would provide more data security so that only a certain user can access only certain data or information.

- “Receiving from a user a user-designated prioritization scheme” see col. 7, lines 39 – 50, and col. 17, lines 29 – 34, 63 – 65 of Bodnar.

- “Associating the received user-designated prioritization scheme with ... parameters to create a parameter-associated prioritization scheme, and storing the parameter” See Fig. 10, col. 40, lines 13 – 44, Bodnar.
- ◆ As per claims 46 – 47, 52 – 53, 57 - 58, Boothby and Bodnar disclose:
 - “Recognizing request characteristics from the synchronization request” Fig. 11A, 1002, col. 42, lines 31 – 41, col. 38, lines 60 – 67, Bodnar. And Fig. 2, 5 of Boothby teach about the determining the request characteristics. When the system starts the synchronization process, it must check for identification for the requesting user, the client device type (col. 5, lines 45 – 62, Boothby). From these characteristics, the database will retrieve the corresponded table or parameters from the storage.
- ◆ As per claims 48, 54, 59, Boothby and Bodnar disclose:
 - “Retrieving synchronization session parameters from the synchronization request” See col. 39, lines 1 – 17 of Bodnar.

(10) Response to Argument

Applicant's arguments filed 9/22/2005 have been fully considered but they are not persuasive in part.

I. Regarding rejection under 35 U.S.C. §101 for being directed to non-statutory subject matter, Applicant's arguments, see appeal Brief filed 9/22/2005, are persuasive. The rejection under of 35 U.S.C. §101 has been withdrawn.

II. Regarding rejection under 35 U.S.C. §112, second paragraph, Applicant's arguments, see appeal Brief filed 9/22/2005, are persuasive. The rejection under of 35 U.S.C. §112, second paragraph has been withdrawn.

III. Regarding rejection under 35 U.S.C. §102, Applicant's arguments filed 9/22/2005 have been fully considered but they are not persuasive.

♦ Applicant argues that the Boothby patent does not teach or suggest the prioritization of data as required by element (d) of claim 43. The Examiner respectfully disagrees.

The Examiner notes that the prioritization of data in the instant application corresponds to the records stored in the database in Boothby patent. Boothby discloses a synchronization system that allows the user to create filters to be used in the synchronization process (col. 5, lines 14 – 20). The filter includes a set of conditions or criteria which record must match (col.5, lines 15 – 18). The filters are previously created and stored in the database (See col. 7, lines 14 – 17, Boothby). One of the conditions for the criteria is limiting the priority for a “to do” items to 1, 2, or 3 (col. 6, lines 20 – 24, Boothby). Clearly, these are the ordered entries for the records to be produced or “to do items”. When a synchronization session starts, if the user applies this priority for a to do item, the records are produced based on these rules or conditions. Therefore, the prioritized data set (records) should be limited to 1, 2, or 3 as specified in the filter, which has “a number of entries therein with each respective entry ordered with respect to each other entry according to the prioritization schema”.

IV. Regarding rejection under 35 U.S.C. §103, Applicant's arguments filed 9/22/2005 have been fully considered but they are not persuasive.

♦ Applicant's argues that the combination of Boothby and Bodnar does not teach or suggest the prioritization of data as required by element (d) of claim 43. The Examiner respectfully disagrees for two reasons.

First, the Examiner used the Bodnar patent to show additional elements in dependent claims, and not try to make up for any deficiencies as Applicant argued.

Second, as indicated above, Boothby discloses a synchronization system that allows the user to create filters to be used in the synchronization process (col. 5, lines 14 – 20). The filter includes a set of conditions or criteria which records must match (col. 5, lines 15 – 18). The filters are previously created and stored in the database (See col. 7, lines 14 – 17, Boothby). One of the conditions of the criteria is limiting the priority for a “to do” item to 1, 2, or 3 (col. 6, lines 20 – 24, Boothby). Clearly, these are the ordered entries for the records to be produced or “to do items”. When a synchronization session starts, if the user applies this priority for a to do item, the records are produced based on these rules or conditions. Therefore, the prioritized data set (records) should be limited to 1, 2, or 3 as specified in the filter, which has “a number of entries therein with each respective entry ordered with respect to each other entry according to the prioritization schema”.

Therefore, the combination of Boothby and Bodnar clearly disclose the claims limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Nguyen, Cam Linh

Conferees:



Safet Metjahic



Hosain Alam